

⁵ *Id.*

currently are experiencing.”⁶

3. Channel 50 can be substituted for channel 9 at Fort Myers, Florida, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules,⁷ at coordinates 26-48-01 N. and 81-45-48 W. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission’s rules⁸ with the following specifications:

City and State	Channel	Power (kW)	Antenna (meters)	Service Pop. (thous.)
Fort Myers, Florida	50	1000	444	1495

4. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to Section 553(d)(3) of the Administrative Procedures Act.⁹ An expedited effective date is necessary in this case to ensure that station WINK-TV can restore service to former viewers as quickly as possible.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission’s rules, IT IS ORDERED, That effective immediately upon publication of this Report and Order in the Federal Register, the Post-Transition of DTV Table of Allotments, Section 73.622(i) of the Commission’s rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Fort Myers, Florida	15, *31, 50

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Fort Myers Broadcasting Company shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 50 in lieu of channel 9 at Fort Myers, Florida.

7. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

⁶ *Id.*

⁷ 47 C.F.R. § 73.625(a).

⁸ 47 C.F.R. §§ 73.616 and 73.623.

⁹ 5 U.S.C. § 553(d)(3).

9. For further information concerning the proceeding listed above, contact Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau